

REMARKS/ARGUMENTS

Favorable consideration of this Application and in light of the following discussion is respectfully requested.

Claims 1, 3-5, 7, 8, 10 and 11 are pending in the present Application. Claims 3, 4, 7, 8, 10 and 11 are amended by the present response. Amendments to the claims address cosmetic matters of form not related to patentability. Thus, no new matter has been added.

By way of summary, in the outstanding Official Action Claims 1, 3, 4, 8, 10 and 11 were rejected under 35 U.S.C. §112, second paragraph, as indefinite; and Claims 5 and 7 were allowed.

Initially, Applicants gratefully acknowledge the early indication of the allowable subject matter in Claims 5 and 7.

In addition, Applicants and Applicant's representative wish to thank Examiner Pond for the telephone discussion granted applicant's representative on June 4, 2007. During the discussion, the §112, second paragraph issues were discussed in detail. The present response sets forth Applicant's response to the issues raised in the discussion.

With respect to the rejection of Claims 8, 10 and 11 under 35 U.S.C. §112, second paragraph, as requested in the discussion, Applicants have amended the preamble of Claim 8 to clearly recite that it is the "computer-readable program code" which causes a computer to implement a method comprising the steps recited in the body of the claim, as the material on the medium (program) is functional descriptive material, these claims are statutory. Accordingly, Applicants respectfully request that the rejection of Claims 8, 10 and 11 under 35 U.S.C. §112, second paragraph, be withdrawn.

With respect to the rejection of Claims 1, 3 and 4 under 35 U.S.C. §112, second paragraph, Applicants note that these claims invoke 35 U.S.C. §112, sixth paragraph. Applicants note that these claims employ "means for" language which is modified by

functional language. Furthermore, none of the means-plus-function elements include structure. Therefore, under MPEP §2181 these claims are presumed to invoke 35 U.S.C. §112, sixth paragraph. Irrespective of this presumption, Applicants expressly identify these elements as invoking 35 U.S.C. §112, thus the record is clear. Accordingly, Applicants respectfully request that the rejection of Claims 1, 3 and 4 under 35 U.S.C. §112, second paragraph, be withdrawn.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance.

Respectfully submitted,

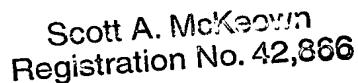
OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)



Scott A. McKeown
Registration No. 42,866